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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,513	01/19/2001	James A. Patterson	P-1754	9761

7590

07/15/2003

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EXAMINER

CHOI, FRANK I

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 07/15/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/766,513

Applicant(s)

PATTERSON ET AL.

Examiner

Frank I Choi

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Examiner notes that Applicant requested that Applicant be contacted prior to sending out any further Office Actions, however, due to internal production procedures, Examiner is unable to comply with Applicant's request at this time. However, Examiner is willing to discuss the case with Applicant to arrive at allowable subject matter.

Terminal Disclaimer

The terminal disclaimer filed on 2/20/2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat. 6,187,347 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

The amendment filed 12/26/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "6,187,347". Applicant does not appear to have shown that the patent discussed in the Specification on pg.3 refers to US Pat. 6,187,347.

Applicant is required to cancel the new matter in the reply to this Office Action.

The Specification still contains a blank area with respect to a US patent at pg. 12 of the Specification. If Applicant amends the Specification to insert the US Patent number, Applicant must address the issue of new matter.

Claim Rejections - 35 USC § 103

Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (U.S. Pat. 2,491,416) in view of Leveen et al., Burgeni et al., Eberl et al. and Masci et al. for the

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reasons set forth in the prior Office Action in further view of US Pat. 2,532,358 and Micelli et al. and the further reasons below.

Olson et al., Leveen et al., Burgeni et al., Eberl et al. and Masci et al. were discussed in the prior Office Action and the same are incorporated herein.

US Pat. 2,532,358 teaches calcium chloride is effective in increasing the clotting effect of thrombin (Column 1, lines 43-46).

Micelli et al teaches that calcium chloride has notable coagulating action (Abstract).

Examiner has duly considered Applicant's arguments but deems them unpersuasive.

Applicant argues that the claimed composition is hydrophilic whereas the tantalum oxide is hydrophobic. Notwithstanding the fact that Applicant has not provided evidence that tantalum oxide is hydrophobic, Applicant's claims do not indicated that the oxyacid salt is hydrophilic. The claims only indicate that the proton donor material is hydrophilic. Also, the prior art teaches the use of iron oxide which Applicant has not addressed in its response. Finally, one of ordinary skill in the art would be motivated to add calcium chloride as it is known to increase the coagulation of blood.

Conclusion

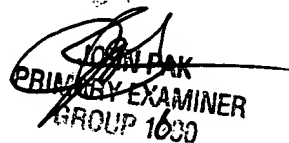
A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machines are (703) 308-4556 or (703) 305-3592.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (703) 308-0067.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. José Dees, can be reached on (703) 308-4628.

FIC

July 13, 2003



FRANK CHOI
PRIMARY EXAMINER
GROUP 1630